

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

DENNIS M. DONOVAN,

Plaintiff,

v.

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C., ROBERT M. GAULT,
individually, and PETER J. MARATHAS, JR.,
individually.

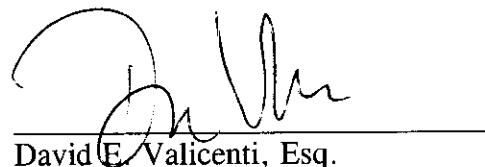
Defendants.

Case No. 04-12110 (MLW)

AFFIDAVIT OF SERVICE

I, David E. Valicenti, do depose and say that on October 6, 2004 I served the Summons and Complaint in this matter upon the Defendants by delivery by overnight mail to Robert S. Frank, Jr., Esq. of Choate Hall & Stewart, 53 State Street, Boston, Massachusetts 02109, who is authorized to accept service of the Summons and Complaint on behalf of Defendants.

Signed under pains and penalties of perjury, this 8th day of October, 2004.



David E. Valicenti, Esq.

COMMONWEALTH OF MASSACHUSETTS
BERKSHIRE COUNTY, ss.

On this 8th day of October, 2004, before me, the undersigned notary public, personally appeared David E. Valicenti, personally known to me to be the person who signed on the

preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

Charles W. Shill
Notary Public

My commission expires
APRIL 21, 2011
Notary Public
 Commonwealth of Massachusetts
My Commission Expires
April 21, 2011

UNITED STATES DISTRICT COURT

Eastern

District of

Massachusetts.

DENNIS M. DONOVAN

V.

MINTZ, LEVIN, COHN, FERRIS,
 GLOVSKY AND POPEO, P.C.,
 ROBERT M. GAULT, individually,
 and PETER J. MARATHAS, JR.,
 individually

SUMMONS IN A CIVIL ACTION

04 CV 12110

CASE NUMBER:

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TO: (Name and address of Defendant)

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.
 C/o Robert S. Frank, Jr., Esq.
 Choate Hall & Stewart
 53 State Street
 Boston, Massachusetts 02109

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Daniel R. Solin, Esq. David E. Valicenti, Esq.
 Cain Hibbard Myers & Cook, P.C.
 66 West Street
 Pittsfield, Massachusetts 01201
 (413) 443-4771

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable amount of time after service.



TONY ANASTAS

CLERK

(By) DEPUTY CLERK

 OCT 04 2004
 DATE

UNITED STATES DISTRICT COURT

Eastern

District of

Massachusetts

DENNIS M. DONOVAN

SUMMONS IN A CIVIL ACTION

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MINTZ, LEVIN, COHN, FERRIS,
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 individually

04CV12110

CASE NUMBER:

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 W
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TO: (Name and address of Defendant)

PETER J. MARATHAS, JR.

C/o Robert S. Frank, Jr., Esq.
 Choate Hall & Stewart
 53 State Street
 Boston, Massachusetts 02109

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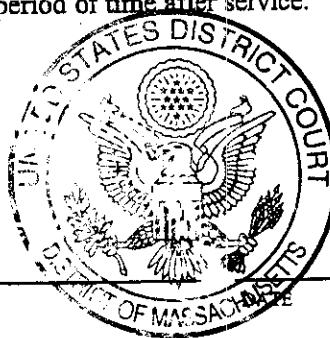
TO: (Name and address of Defendant)

ROBERT M. GAULT
 C/o Robert S. Frank, Jr., Esq.
 Choate Hall & Stewart
 53 State Street
 Boston, Massachusetts 02109

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CLERK
S. Anastas

CLERK

(By) DEPUTY CLERK
S. Anastas